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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,066	10/21/2003	Shu-Hui Chang	CHAN 3221/EM	3397
1444	7590	03/03/2006	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C.			WATSON, ROBERT C	
624 NINTH STREET, NW				
SUITE 300			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20001-5303			3723	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/689,066	CHANG, SHU-HUI	
	Examiner	Art Unit	*
	Robert C. Watson	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 3-12 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,13 and 14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Although claim 12 as amended is indicated by applicant to read on the species of Figure 3 the examiner finds that the limitation "fused to a total surface area of the bottom" reads on non-elected species Figure 12-14 and not on the elected species of Figure 3. Accordingly, claim 12 has been withdrawn.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kogyo KK (JP 5123263) in view of Kogyo KK (JP5064617).

The peelable chopping board of Kogyo KK ('263) has multiple resin pairs attached to each other at their peripheries by a cover layer. It is unclear in Kogyo KK ('263) what the cover layer laminating material 3 found at the total of the periphery of the sheets is.

The chopping board of Kogyo KK ('263) has multiple sheets attached to each other at their peripheries by a cover layer of laminating material. The sheets are attached to each other by the use of a thermally fusion bonding of resin along the total periphery of the sheets.

To employ for a cover layer a thermally fusion bonding of resin along the total periphery of the sheets in Kogyo KK ('263) would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Kogyo ('617).

One of ordinary skill in the art would have been motivated to do this in order to provide a convenient means of laminating the sheets.

The type of "thermally fused resin" or the manufacturing means employed to produce this is no more than an obvious matter of design choice absent a showing of criticality for this feature. The examiner takes **Official Notice** that the thermoplastic material, rubber, is a well known and obvious type of thermal fusing bonding resin and that injection molding is well known and obvious type of manufacturing process for producing thermally fused resin products. The hardness of the cover layer is no more than an obvious matter of design choice absent a showing of criticality for this feature. It is axiomatic that if the sheets are to be "peeled" apart by breaking the portion of the cover layer at the periphery of the sheets that the hardness of the cover layer obviously should be desirably be less than the hardness of the cutting board sheet. Clearly the cover layer is designed by Kogyo KK as a frangible element relative to the cutting board sheet and it is therefor axiomatic that the frangible element obviously would have a hardness less than the hardness of the cutting board sheet. To employ different materials for the hard cutting board and the frangible cover layer is considered to be no more than an obvious matter of design choice. Since the cutting board is hard and the frangible cover layer is considerably less hard then it would be obvious if not necessary to make these items from different materials.

Claims 3-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/1/05.

Applicant's remarks have been given careful consideration. Notwithstanding applicant's remarks the newly amended claims are found to be obvious over the newly applied references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rcw



ROBERT C. WATSON
PRIMARY EXAMINER